



## Ordinance 15 - 26

### **An Ordinance Amending Section, 30-991(b), R-1 districts of the City of Elk River, Minnesota, City Code**

The City Council of the City of Elk River does hereby ordain as follows:

**SECTION 1** That § 30-991 (b), R-1 districts of the City of Elk River Code of Ordinances shall be amended to read as follows:

(b) Permitted uses. Permitted uses in the R-1 districts are as follows:

- (1) Single-family dwellings per section 30-799
- (2) Licensed day care facilities for 12 or fewer children.
- (3) Model homes in compliance with section 30-800
- (4) Agricultural uses in the R-1a district (more than five-acre lot size).
- (5) Public parks, playgrounds and open space.
- (6) Permitted home occupations.
- (7) Truck tractor and/or trailer parking (nonplatted parcels five acres in size or greater within the R-1a district).
- (8) State-licensed residential facilities or housing with services establishments registered under Minn. Stats. ch. 144D serving six or fewer persons, licensed day care facilities serving 12 or fewer persons and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.
- (9) Open space preservation development plats within the R-1a district (residential clustering).
- (10) Towers less than 60 feet in height.
- ~~(11) Business and professional offices.~~
- ~~(12)~~(11) Private kennels on parcels five buildable acres or greater, excluding lots located in cluster subdivisions (see [subsection (d)(12)]).
- ~~(13)~~(12) Homeowner-occupied bed and breakfast establishments shall be allowed in all residential districts as a permitted use, subject to site plan review, provided the use complies with the following criteria:
  - a. Off street parking shall be provided at a rate of one space per guest room plus those required for the single-family use. A piggy-backed or tandem parking arrangement is permitted.


- b. Off street parking shall be provided on an existing driveway.
- c. Signage shall be limited to one freestanding sign, not to exceed four feet in height and eight square feet in size, and one wall sign not to exceed four square feet in size. Signs shall not be illuminated.
- d. The exterior appearance of the structure shall not be altered from its single-family character.
- e. The proposal shall comply with all building and fire code requirements.

If the proposed bed and breakfast business does not comply with one or more of the above criteria, it will require a conditional use permit.

~~(14)~~(13) Farm wineries in the R-1a zoning district provided the use does not include on-site sales of any type

**SECTION 2.** That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 17<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
John J. Dietz, Mayor

ATTEST:

  
\_\_\_\_\_  
Tina Allard, City Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA ) ss  
COUNTY OF SHERBURNE

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with a substantial portion of the circulation in the counties of:

WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/29/2015 and the last insertion being on 08/29/2015.

**MORTGAGE FORECLOSURE NOTICES**  
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold  
Designated Agent

Subscribed and sworn to or affirmed before me on 08/29/2015.

Darlene M MacPherson  
Notary Public



## Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$23.00 per column inch

Ad ID 441188

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John J. Dietz, Mayor

ATTEST: Tina Allard, City Clerk

Published in the

Star News

August 29, 2015

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